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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,028	06/30/2000	Kartik Raghavan	MS1-498US	9044
22801	7590	03/02/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			COLIN, CARL G	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/608,028	Applicant(s) RAGHAVAN ET AL.	
	Examiner Carl Colin	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/19/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 4/29/2004 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Response to Arguments

1. In response to communications filed on 11/19/2004, applicant amends claims 27 and 32.

The following claims 1-36 are presented for examination.

2. Applicant's arguments, pages 11-18, filed on 11/19/2004, with respect to the rejection of claims 1-36 have been fully considered, but they are not persuasive. Applicant argues that Li does not teach an assessment based at least in part on computer system resources and does not teach modifying based on at least in part on computer system resources. Examiner respectfully disagrees. Li teaches determination of a request for service on a customer computer based on the following resources: type of connection must be determined; analog, conventional, or high speed, levels of service etc.... the ISP generates a configuration file based on the customer resources... the configuration file contains all of the configuration needed by the consumer to configure his Internet access device and the modification is done automatically (column 9, line 25 through column 10, line 5). See column 14, lines 50-65 for part of the process of automatic modification of consumer resources. Examiner asserts that this configuration is done based on assessment of the customer's system resources.

Claims 27 and 32 have been amended to recite the same limitation. Therefore applicant has not overcome the rejection from the previous office action and claims 1-36 remain rejected on the same ground of rejection as in the last office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.1 **Claims 1-26 and 32-36** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,012,088 to **Li et al.**

3.2 **As per claims 1, 11, 12, and 20, Li et al.** discloses a server comprising: a storage device having stored therein a plurality of executable instructions; and a control unit, coupled to the storage device, to execute at least a subset of the plurality of executable instructions, for example (see claims) to implement a method comprising receiving an identifier associated with a computing system and/or computing system user, for example (see column 12, lines 1-26 and column 10, line 66 through column 11, line 16); and automatically modifying computing system resources based, at least in part, on an assessment of the computing system resources, for example (see column 9, line 25 through column 10, line 5; column 14, lines 50-65).

As per claims 13, 14, 16, 21, and 26, Li et al. discloses a server comprising: a storage device to maintain a profile of resources available to authorized users and a process that meets the recitation of a configuration agent, coupled to the storage device, to receive an identifier associated with a computing system and/or computing system user and automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources, for example (see column 9, line 25 through column 10, line 5; column 14, lines 50-65).

As per claims 2, 18, and 25, Li et al. discloses the limitation of wherein the computing system is a communications device, for example (see column 12, lines 1-26 and column 10, line 66 through column 11, line 16).

As per claims 3, 4, 9, 10, and 19, Li et al. discloses the limitation of wherein the identifier associated with a computing system and/or computing system user is received from the computing system, for example (see column 12, lines 1-26 and column 10, line 66 through column 11, line 16).

As per claim 5, Li et al. discloses the limitation of automatically modifying system resources of the communications device and the computing system resources based, at least in part, on an assessment of the computing system resources, for example (see column 9, line 25 through column 10, line 5; column 14, lines 50-65).

As per claims 6 and 7, Li et al. discloses the limitation of wherein automatically modifying computing system resources or communications device resources comprises: assessing communications device resources, for example (see column 16, lines 1-20); comparing the assessed communications device resources against authorized and available computing system resources, for example (see column 16, lines 1-20); selectively installing, configuring and/or updating one or more communications device resources based, at least in part, on the assessed communications resources, for example (see column 16, lines 1-20).

As per claims 8 and 17, Li et al. discloses the limitation of wherein the identifier is received from the computing system and/or a communications device associated with the computing system user (see column 12, lines 1-26 and column 10, line 66 through column 11, line 16; column 16, lines 1-20), the method further comprising: automatically modifying communications device resources based, at least in part, on an assessment of the communications device resources, for example (see column 9, line 25 through column 10, line 5; column 14, lines 50-65).

As per claim 15, Li et al. discloses the limitation of wherein the configuration agent accesses a user profile on the storage medium based, at least in part, on the identifier, for example (see column 9, line 25 through column 10, line 5; column 14, lines 50-65; column 12, lines 1-26 and column 10, line 66 through column 11, line 16; column 16, lines 1-20).

As per claim 22, Li et al. discloses the limitation of wherein the configuration agent compares the assessed computing system resources against a profile of available and authorized resources associated with the received identifier, for example (see column 16).

As per claim 23, Li et al. discloses the limitation of wherein the configuration agent interrogates the computing system upon receipt of the identifier to assess computing system resources, for example (see column 11, line 54 through column 12, line 26).

As per claim 24, Li et al. discloses the limitation of wherein the configuration agent downloads and automatically installs system resources on the computing system based, at least in part, on the assessed computing system resources (see column 16).

As per claims 32-36 Li et al. discloses a method comprising: issuing a configuration request from a computing system, wherein the configuration request includes an identifier associated with the computing system and/or computing system user (see column 3, lines 15-61); and receiving a response to the configuration request at the computing system, the response including one or more computing system resources, wherein the one or more computing system resources are automatically installed and configured on the computing system, wherein the one or more system resources enable the communications device to communicate over an additional communications medium, for example (see column 9, line 25 through column 10, line 5; column 14, lines 50-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1 **Claims 27-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent by US Patent 6,012,088 to **Li et al.** in view of US Patent 6,212,585 to **Chrabaszcz**.

4.2 **As per claims 27-29, Li et al.** substantially teaches a storage device having stored thereon plurality of executable instructions, a network interface, communicatively coupling the computing system to a network (see drawings); and a processor (see drawings) that meets the recitation of a controller, such computing system is also known in the art. **Li et al.** discloses making assessment of hardware or software resources of the computing system and discloses issuing configuration request to the network based on the assessment (column 9, line 25 through column 10, line 5; column 14, lines 50-65). **Li et al.** further discloses the claimed system of claims 27-29 except for implementing the system at start up. It is very well known in the art that configuration can be done at start-up or upon booting the computer such as plug and play.

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However, **Chrabaszc** in an analogous art teaches automatic configuration upon booting, for example (see columns 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Li et al.** to automatically configuring a device upon booting as taught by **Chrabaszc** in order to avoid human errors and save time (see column 3, lines 10 et seq.). This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Chrabaszc** so as to avoid human errors and save time, for example (see column 3).

As per claims 30-31, **Li et al.** discloses the limitation of wherein the identifier associated with a computing system and/or computing system user is received from the computing system and discloses the limitation of wherein the computing system is a communications device, for example (see column 12, lines 1-26 and column 10, line 66 through column 11, line 16; column 16, lines 1-20).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ce

Carl Colin

Patent Examiner

February 21, 2005


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100